

7/26/71

Dear Orestes,

Thank you for the instalment of the affidavits and the clippings of news stories that came today. Although as I wrote you, I now have the official copies of the affidavits and will, when I have time, read them with care, I did skim over these. Some of them look pretty bad, assuming they are not doctored, as Garrison seems to claim. Particularly XIII and XVII.

What remains in doubt, despite the claim of the affidavit, is that these ~~xxxx~~ transcripts prove that Garrison was taking a payoff. That is what the government says, and if you want to, you can read this into it. But what makes just as much sense and what seems to be closer to the truth is that he was lobbying. That may or may not be legal, but in several parts this could not be more clear and there are a number of places where Gervais says that is all.

The part that to me looks bad is where he learned that his own staff member, even if an employee of the police department rather than his office, was taking a payoff and had been. And then did nothing about him.

I would also expect that under the law, if he knew anyone was taking graft he had the obligation to do something about it. He seems from these tapes to have known about two, Soule and Frey, and to have done nothing. Even though this may be quite common in New Orleans, I am also sure it is quite wrong. And here, rather than in the purposes for which he is paid, although none of the stories seem to have said anything about it, is where I think they may get him- unless they have, as I suspect, already made it impossible to try anybody under the law. That is the part that troubles me most. Why did they risk convictions with all this publicity? I think they have under a number of court decisions and under the regulations of the bar. I wish I were sure I could understand this unusual thing the government has done.

One of the questions I have had seems to be answered in XIV. I had more or less assumed that if there was money in it, some Marcello was. This is the only such reference I remember. And that means the situation of Gervais is very bad, that there had to be something very powerful held over him to get him to do this.

Again my thanks. If you see any more stories, I would appreciate them. One of the things is will F. Lee Bailey represent Garrison? And, of course, charges made by some people against others. Bailey has a very big reputation. He is the lawyer who handled the case that went to the Supreme Court, where he won, that is supposed to prevent all this kind of publicity before a trial so that the jurors will not have been influenced in advance. In fact, I have been wondering since Garrison went to court to stop the papers from publishing those excerpts if he did not want to lose, but in losing establish the record needed to show that the law was violated, and thus he would win.

Sincerely,